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24 Plaintiffs' Counsel

25 **UNITED STATES DISTRICT COURT**

26 **NORTHERN DISTRICT OF CALIFORNIA**

27 DIANA ALEXANDER-JONES, et al.,

28 ) Case No.: 3:10-cv-03005 SBA

Plaintiff,

) Case No.: 3:01-cv-02252-VRW

vs.

29 WAL-MART STORES, INC., et al.,

) **ADMINISTRATIVE MOTION BY  
PLAINTIFF TO CONSIDER WHETHER  
CASES SHOULD BE RELATED;  
DECLARATION OF TODD M. SCHNEIDER**

Defendants.

30 BETTY DUKES, et al.,

31 Plaintiff,

vs.

32 WAL-MART STORES, INC.,

33 Defendants.

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD IN THE ABOVE-CAPTIONED  
2 CASE AND THE CASES LISTED BELOW:

3 Pursuant to Civil L.R. 3-12 and 7-11, Plaintiff hereby moves the Court for an Order relating  
4 *Alexander-Jones, et al. v. Wal-Mart Stores, Inc.*, No. CV 10-03005-SBA (hereinafter simply  
5 “*Alexander-Jones*”) to *Dukes, et al. v. Wal-Mart Stores, Inc.*, No. C 0102252-VRW (hereinafter  
6 simply (“*Dukes*”).

7 **APPLICABLE RULE**

8 Civil Local Rule 3-12 provides, in pertinent part: “An action is related to another when: (1) The  
9 actions concern substantially the same parties, property, transaction or event; and (2) It appears likely  
10 that there will be a unduly burdensome duplication of labor and expense or conflicting results if the  
11 cases are conducted before different Judges.”

12 **THE RELATIONSHIP BETWEEN ALEXANDER-JONES AND DUKES**

13 These two cases concern substantially the same parties, property, transaction, and/or events. In  
14 both cases, Plaintiff seeks to certify a class on behalf of Wal-Mart employees against Defendant Wal-  
15 Mart Stores, Inc. (“Wal-Mart”) concerning Wal-Mart’s underpayment of female hourly employees of  
16 Wal-Mart. Both allege Wal-Mart willfully and intentionally underpaid the wages of a large segment  
17 of its hourly employee population based on their gender. In light of these common issues, assignment  
18 of these cases to a single judge is likely to promote judicial economy by avoiding an unduly  
19 burdensome duplication of labor and expense or conflicting results that might ensue if the cases were  
20 conducted before different Judges.

21 **NEED FOR ADMINISTRATIVE MOTION**

22 As explained in the attached declaration of Todd M. Schneider, and as required by Civil Local  
23 Rule 7-11(a), counsel for Plaintiffs in *Alexander-Jones* have failed to secure the stipulation referenced  
24 in Civil Local Rule 7-11(a).

25 **CONCLUSION**

26 The parties, transactions and events in *Alexander-Jones* and *Dukes* are substantially the same,  
27 and there is a substantial risk of unduly burdensome litigation, and, more important, of conflicting  
28 results, if *Alexander-Jones* is not related to *Dukes*. Plaintiff therefore respectfully submits that

1 *Alexander-Jones* can and should be related to *Dukes* pursuant to Civil Local Rule 3-12. Plaintiff  
2 respectfully asks for such assignment here.

3 Dated: July 16, 2010

4 BERGER & MONTAGUE, P.C.

5 ANN MILLER, LLC

6 KLAFTER OLSEN & LESSER, LLP

7 SCHNEIDER WALLACE  
COTTRELL BRAYTON  
KONECKY LLP

8  
9 /s/  
10 Todd M. Schneider  
11 Attorneys for Plaintiffs  
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## DECLARATION OF TODD M. SCHNEIDER

I, TODD M. SCHNEIDER, declare and state:

I was unable to obtain a Stipulation because the other side has yet to appear.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 16, 2010

/s/  
Todd M. Schneider  
Counsel for Plaintiffs